

LAKE COUNTYBoard of County Commissioners

ES-3.03.01 Procedure

SUBJECT: Veterans' Employment Preference

This procedure remains in effect

APPROVED: July 27, 2005 **EXPIRATION DATE:** until superseded or cancelled.

Supersedes: New Originator: Employee Services

PURPOSE & SCOPE:

To outline the process used for administering Veterans' employment preference regarding the appointment, promotion, and retention of eligible Veterans.

REFERENCES:

Lake County Board of County Commissioners Policies and Practices Employee Manual – Section 8 Recruitment, Florida State Statute Chapter 295, Laws Relating to Veterans: General Provisions, and Chapter 55A-7 of the Florida Administrative Code.

APPLICABILITY:

This procedure applies to all applicants and employees of Lake County Board of County Commissioners for positions designated as regular full-time (or part-time with benefits) with the exception of those designated to be Department Heads.

PROCEDURE:

1. Appointment

- A. All vacancy announcements that are entitled to consideration under this procedure will include the phrase, "Veterans' Preference Applies" in the posting.
- B. Each employment application will contain a General Information document regarding Veterans' preference and an Application for Veterans' Employment Preference (Attachment 1 and 2).
- C. The County's employment application requires the applicant to indicate whether or not they are claiming Veterans' preference. In those cases where the applicant answers 'yes', the applicant will be asked to complete the Application for Veterans' Employment Preference (Attachment 2), requiring them to identify which of the eligibility scenarios applies to them (Attachment 1, section A & B, and Attachment 2, section 2).
- D. To be considered for preference, the applicant will be required to furnish the Office of Employee Services (prior to the closing date of the position recruitment, or if 'Open/Posted until filled' within three (3) business days of

the application submittal) with the documentation necessary to prove Veterans' Preference eligibility, as well as proof of Florida residency (e.g., Florida Driver's License, FL ID card, voters ID card, Library card, or Intent to Domicile from the Clerk of the Court). Proof of Veterans' preference eligibility includes:

- 1) Veterans, disabled Veterans, and spouses of disabled Veterans must furnish a copy of the DD Form 214, military discharge papers, or equivalent certification from the Department of Veterans Affairs (VA), listing status, dates of service and discharge type.
- 2) Disabled Veterans must also provide documentation from the Department of Defense (DOD) or VA certifying that the Veteran has a compensable service-connected disability.
- 3) Spouses of disabled Veterans must provide:
 - a. Certification from the DOD or VA that the Veteran is totally and permanently disabled. (This would included proof that the disabled Veteran cannot qualify for employment because of the service-connected disability.)
 - b. Evidence of marriage to the Veteran.
 - c. A statement that the spouse is still married to the Veteran at the time of the application for employment.
- 4) Spouses of persons on active duty must provide:
 - a. Documentation from the DOD or VA certifying that the person on active duty is listed as missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty by a foreign government power.
 - b. Evidence of marriage to the person on active duty.
 - c. A statement that the spouse is married to the person on active duty at the time of the application for employment.
- 5) Un-remarried widow or widower of a deceased Veteran must provide:
 - a. Documentation from the DOD or VA certifying the service-connected death of the Veteran.
 - b. Evidence of marriage to the deceased Veteran.
 - d. A statement that the spouse is not remarried.

Absence of required documentation invalidates the claim and the applicant is not eligible for Veterans' preference.

- E. Lake County does not use a numerically based selection process therefore preference is given at each step of the employment consideration process to preference eligible applicants, provided such individual possesses the minimum qualifications necessary to discharge the duties of the position.
- F. Therefore, all of the qualified eligible Veterans are granted an interview by the hiring authority/department.
- G. If the most qualified applicants (including a preference eligible Veteran) are equally qualified, and no further evaluation occurs, the Veteran must be given selection preference. If on the other hand, there is a non-veteran who is the most qualified for a position, the non-veteran could be employed if an eligible Veteran does not share the same level of qualifications. (In such cases reasons why and approval by the Employee Services Director is required prior to any offer of employment.)
- H. Since Lake County uses a non-numerical selection process, qualified Veterans' receive the same level of preference despite disability status.
- I. The Office of Employee Services will inform the hiring authority/department whether Veteran applicants are eligible for preference and whether they meet the minimum qualifications of the respective position.
- J. <u>Documentation of the hiring decision is paramount.</u> In those cases where the Veteran is not selected, the hiring authority must be able to demonstrate why the Veteran was not selected, should they be asked. Interview questions, notes and score sheets are good examples of how to justify the action taken.
- K. It shall be the hiring authority/department's responsibility to ensure that a Letter of Non-Selection be sent to all applicants, including Veterans, who were interviewed but not selected for a position within three (3) business days from the time that the selected candidate signs the conditional offer of employment (Attachment 3).
- L. All original documents pertaining to Item G and copies pertaining to Item J shall be submitted to the Office of Employee Services no later than five (5) business days after the selected candidate signs the conditional offer of employment.
- M. Notification of the right to an investigation if a non-preference candidate is hired is part of the Veterans' Preference Claim Form completed at the time of application (Attachment 2, section D) and included in the Letter of Non-Selection sent to interviewed Veterans.
- N. An eligible Veteran or spouse has a single entitlement event, which means that Veterans' preference is exercisable only once. A Veteran's employment preference expires once the Veteran (subsequent to active military service)

applies and is employed (fulltime) by an agency or any political subdivision of the state. This is true whether or not the Veteran requests preference.

2. Reinstatement and/or Promotion

- A. When an eligible employee leaves employment with Lake County BCC to serve in the Armed Forces, Lake County BCC will reinstate the employee to the same, or equivalent position within one (1) year of separation or discharge provided the employee is separated under honorable conditions, and proof of such service is documented in the form of a new DD Form 214.
- B. This provision applies for both voluntary and involuntary service and for active military service only, service such as reserve drills or training does not apply.
- C. Those employees reinstated under this provision will be awarded preference in promotion. Specifically, when a promotion opportunity exists, should the Veteran be as qualified as the most qualified contender, the Veteran MUST be offered the promotion. This entitlement expires with the Veteran's first promotion.

3. Retention

- A. When layoffs or reduction-in-force are necessary, special consideration in the retention of employees shall be given.
 - First, to qualifying disabled Veterans and spouses of a qualifying disabled Veteran or of active duty personnel missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power; and
 - 2) Second, to wartime Veterans and un-remarried widows or widowers of Veterans who died of a service-connected disability.
- B. In those cases where two (2) employees have the same seniority and similar performance history and one is a Veteran, the Veteran must be retained.
- C. Records will be maintained to document the manner of retention and the propriety of the retention and decision process.

RESERVATION OF AUTHORITY:

The Office of Employee Services is responsible for developing, implementing and updating policies and procedures supporting employment standards, programs and benefits as delegated by the Lake County Board of County Commissioners and the County Manager. The authority to issue and/or revise this procedure is reserved for the County Manager.

Approved By: Cindy Hall, County Manager

Date: 7/27/05

Attachment 1

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS

Office of Employee Services

315 West Main Street, Rm. 430 Tavares, FL 32778

Ph.: 352.343.9694 Fax: 352.343.9883

GENERAL INFORMATION

(To be retained by applicant)

RE: Application for Veterans' Employment Preference

A. VETERANS' PREFERENCE INFORMATION

Lake County Board of County Commissioners, in accordance with Chapter 295 of the Florida Statutes provides preference in appointment and retention to those Veterans who are residents of the State of Florida and were discharged or released under honorable conditions only; or, the spouses of Veterans, in the following order:

- 1. A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.
- 2. The spouse of a veteran who cannot qualify for employment because of a total and permanent service-connected disability, or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power.
- 3. A veteran of any war who has served on active duty for one day or more during a wartime period, excluding active duty for training, and who was discharged under honorable conditions from the Armed Forces of the United States of America.
- 4. The unremarried widow or widower of a veteran who died of a service-connected disability.
- **5.** Receipt of any Armed Forces Expeditionary Medal (AFEM) or Global War on Terrorism Expeditionary Medal (GWTEM) is qualifying for veterans' preference.

B. WARTIME SERVICE DATES, CAMPAIGNS AND EXPEDITIONS

A "wartime veteran" is defined by Florida Statute as any veteran who service at least one day during a wartime period. Wartime periods are outlined as follows:

- 1. World War II: December 7, 1941 to December 31, 1946.
- 2. Korean Conflict: June 27, 1950, to January 31, 1955.
- 3. Vietnam Era: February 28, 1961, to May 7, 1975.
- 4. Persian Gulf War: August 2, 1990, to January 2, 1992.

U.S. Combat Campaigns and Expeditions

A veteran's DD form 214 showing the award of any Armed Forces Expeditionary Medal (AFEM) or Global War on Terrorism Expeditionary Medal (GWTEM) is acceptable proof. The DD form 214 does not have to show the name of the theater or country of service for which that medal was awarded.

Campaign or Expedition & Inclusive Dates

- Berlin August 14,1961 to June 1,1963
- Bosnia (Operations Joint Endeavor, Joint Guard, and Joint Forge) November 20, 1995 to December 20, 1996;
 December 20, 1996 to present; June 21, 1998 to present
- Cambodia March 29, 1973 to August 15, 1973
- Cambodia Evacuation (Operation Eagle Pull) April 11 13, 1975
- Congo July 14, 1960 to September 1, 1962; and November 23, 1964 to November 27, 1964
- Cuba October 24, 1962 to June 1, 1963
- Dominican Republic April 28, 1965 to September 21, 1966
- El Salvador January 1, 1981 to February 1, 1992
- Grenada (Operation Urgent Fury) October 23, 1983 to November 21, 1983
- Haiti (Operation Uphold Democracy) September 16, 1994 to March 31, 1995
- Iraq (Operation Northern Watch) January 1, 1997 to present

- Korea October 1, 1966 to June 30, 1974
- Laos April 19, 1961 to October 7, 1962
- Lebanon July 1, 1958 to November 1, 1958; and June 1, 1983 to December 1, 1987
- Mayaguez Operation May 15, 1975
- Operations in the Libyan Area (Operation Eldorado Canyon) April 12 17, 1986
- Panama (Operation Just Cause) December 20, 1989 to January 31, 1990
- Persian Gulf Operation (Operation Earnest Will) July 24, 1987 to August 1, 1990
- Persian Gulf Operation (Operation Southern Watch) December 1, 1995 to present
- Persian Gulf Operation (Operation Vigilant Sentinel) December 1, 1995 to February 1, 1997
- Persian Gulf Operation (Operation Desert Thunder) November 11, 1998 to Dec. 22, 1998
- Persian Gulf Operation (Operation Desert Fox) December 16, 1998 to December 22, 1998
- Persian Gulf Intercept Operation December 1, 1995 to present
- Quernoy and Matsu Islands August 23, 1958 to June 1, 1963
- Somalia (Operations Restore Hope and United Shield) December 5, 1992 to March 31, 1995
- Taiwan Straits August 23, 1958 to January 1, 1959
- Thailand May 16, 1962 to August 10, 1962
- Vietnam Evacuation (Operation Frequent Wind) April 29 30, 1975
- Vietnam (including Thailand) July 1, 1958 to July 3, 1965

Navy/Marine Corps Expeditionary Medal for these Operations

- Cuba January 3, 1961 to October 23, 1962
- Indian Ocean/Iran November 21, 1979 to October 20, 1981
- Iranian/Yemen/Indian Ocean December 8, 1978 to June 6, 1979
- Lebanon August 20, 1982 to May 31, 1983
- Liberia (Operation Sharp Edge) August 5, 1990 to February 21, 1991
- Libyan Area January 20, 1986 to June 27, 1986
- Panama April 1, 1980 to December 19, 1986; & February 1, 1990 to June 13, 1990
- Persian Gulf February 1, 1987 to July 23, 1987
- Rwanda (Operation Distant Runner) April 7 18, 1994
- Thailand May 16, 1962 to August 10, 1962

Other Campaign and Service Medals Qualifying for Preference

- Afghanistan Campaign Medal (Operation Enduring Freedom) October 24, 2001 to Date to be Determined
- Army Occupation of Austria May 9, 1945 to July 27, 1955
- Army Occupation of Berlin May 9, 1945 to October 2, 1990
- Army Occupation of Germany (Exclusive of Berlin) May 9, 1945 to May 5, 1955
- Army Occupation of Japan September 3, 1945 to April 27, 1952
- Chinese Service Medal (extended) September 2, 1945 to April 1, 1957
- Iraq Campaign Medal (Operation Enduring Freedom) March 19, 2003 to Date to be Determined
- Korean Service June 27, 1950 to July 27, 1954
- Kosovo Campaign Medal (KCM) Operation Allied Force March 24, 1999 to June 10, 1999
- Kosovo Campaign Medal (KCM) Operation Joint Guardian June 11, 1999 to Date to be Determined
- Kosovo Campaign Medal (KCM) Operation Allied Harbor April 4, 1999 to September 1, 1999
- Kosovo Campaign Medal (KCM) Operation Sustained Hope/Shining Hope April 4, 1999 to July 10, 1999
- Kosovo Campaign Medal (KCM) Operation Noble Anvil March 24, 1999 to July 20, 1999
- Kosovo Campaign Medal (KCM) Task Force Hawk April 5, 1999 to June 24, 1999
- Kosovo Campaign Medal (KCM) Task Force Saber March 31, 1999 to July 8, 1999
- Kosovo Campaign Medal (KCM) Task Force Falcon June 11, 1999 to Date to be Determined
- Kosovo Campaign Medal (KCM) Task Force Hunter April 1, 1999 to November 1, 1999
- Navy Occupation of Austria May 8, 1945 to October 25, 1955
- Navy Occupation of Trieste May 8, 1945 to October 25, 1954
- Southwest Asia Service Medal (SWASM) (Operations Desert Shield & Desert Storm) Aug. 2, 1990 to Nov. 30, 1995
- Units of the Sixth Fleet (Navy) May 9, 1945 to October 25, 1955
- Vietnam Service Medal (VSM) July 4, 1965 to March 28, 1973

Non-Combat Operations that are Not Qualifying for Veterans' Preference

Many medals are awarded for non-combat operations. These medals are not a basis for preference and include the following:

- The Medal of Merit for meritorious service in World War II.
- The Medal of Freedom for meritorious achievements or meritorious service to the United States on or after December 7, 1941, in the war against an enemy outside the continental limits of the United States.
- The Antarctica Service Medal for participating in a scientific, direct support, or exploratory operation on the Antarctic

Continent.

- The National Defense Service Medal for honorable service between June 27, 1950, and July 27, 1954; or January 1, 1961, and August 14, 1974; or for the period between August 2, 1990, and November 30, 1995.
- The Armed Forces Service Medal for participation in a United States military operation deemed to be a significant activity for which there was no threat of encounter of foreign armed opposition or imminent threat of hostile action.
- The Global War on Terrorism Service Medal recognizes those who served in support of Operation Noble Eagle. A service medal is NOT qualifying for veterans' preference.
- The Armed Forces Reserve Medal for 10 years of honorable service in a Reserve component; or active duty service in a Reserve component on or after August 1, 1990; or volunteer service for active duty on or after August 1, 1990.

C. APPLICANT DOCUMENTATION

- Veterans, disabled Veterans and spouses of disabled veterans must furnish a DD Form 214 or military discharge papers or equivalent certification from the Veterans' Administration, listing military status, dates of service and type of discharge.
- 2. Disabled Veterans must furnish a document certifying that the veteran has a compensable service-connected disability.
- 3. Spouses of veterans who cannot qualify for employment must furnish certification that the Veteran is totally and permanently disabled or an identification card issued by the division of Veterans' Affairs; spouses must also provide evidence of marriage to the Veteran and a statement that the spouse is still married to the Veteran at the time of application for employment.
- 4. Spouses of persons missing in action, captured or detained in line of duty by a foreign power must furnish documentation from the Department of Defense or Veterans' Affairs certifying that the person is missing in action, captured or detained in line of duty by a foreign power; spouses must also furnish evidence of marriage and a statement that the spouse is married to the person on active duty at the time of application for employment.
- 5. Unmarried widow or widower of a deceased Veteran must furnish documentation from the Department of Defense or Veterans' Affairs certifying the service-connected death of the Veteran, evidence of marriage and a statement that the spouse is not remarried.

NOTE: It is the applicant's responsibility to provide Employee Services with appropriate documentation (e.g., DD214 or equivalent) and proof of Florida residency (e.g., Florida Driver's License, FL ID card, voters ID card, Library card, or Intent to Domicile from the Clerk of the Court) prior to the closing of the position vacancy for Veterans' Employment Preference consideration. If the position is Open Until Filled, please submit documentation within three (3) business days from application date. Documents can be submitted in person at 315 W. Main Street, Rm. 430, Tavares, FL, via mail to P.O. Box 7800, Tavares, FL 32778, or via fax to 352.343.9883. (All copies must be legible.)

D. RIGHT TO AN INVESTIGATION

Should the vacant position for which you are applying and for which you claimed Veterans' Preference be filled by a non-preference applicant and/or you feel that proper consideration of the Veterans' Employment Preference law has not been provided to you, you have the right to initiate an investigation by the Florida Department of Veterans' Affairs. You may do so by filling a complaint with the Florida Department of Veterans' Affairs (FDVA), Mary Grizzle Building, Suite 311-K, 11351 Ulmerton Road, Largo, FL 33778-1630, within 21 calendar days from the date you receive notice that you were not selected for the position. If a notice of a hiring decision is not given, a complaint may be filed within three (3) months of the date application was filed with the employer. For more information please visit http://www.floridavets.org/benefits/veteranspref.htm.

E. NON-NUMERICALLY BASED SELECTION PROCESS

Lake County does not use a numerically based selection process therefore preference is given to protected individuals provided such persons possess the minimum qualifications necessary to the discharge of the duties involved. The rule defines "minimum qualifications" to mean a "specification" of the kinds of experience, training, education and/or licensure or certification that provides "appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved."

F. OTHER PROVISIONS REGARDING PREFERENCE

The rules incorporate the concept that an eligible veteran or spouse has a single entitlement event, which means that veterans' preference is exercisable only once. A veteran's employment preference expires once the veteran has applied and been employed (fulltime) by an agency or any political subdivision of the state.

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS Office of Employee Services

315 West Main Street, Rm. 430 Tavares, FL 32778

spouse).

B. Branch of Service: _

C. Type of Discharge: _

A. Service Entry Date:

Ph.: 352.343.9694 Fax: 352.343.9883

APPLICATION FOR VETERANS' EMPLOYMENT PREFERENCE

(RE: Lake County Government "Employment Application") APPLICANT'S NAME: ___ **FIRST** MIDDLE **LAST** SOCIAL SECURITY NO.: __ DATE 1. I wish to claim Veterans' Preference in Employment. (Note: To claim Veterans' Preference, you must have indicated "Yes" in Item 6 of the lake County Government Employment Application.) Applicants wishing to claim Veterans' Preference in Employment must complete this form and return it with the completed Lake County Government "Employment Application" Documentation substantiating your claim must be furnished at the time of application (See: "General information, Section C - Applicant Documentation" for appropriate documentation). The information provided herein is for the purposes of determining the applicant's eligibility for Veterans' Preference only. This form is retained in Employee Services. 2. Check the Appropriate Box Below: A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense. The spouse of a veteran who cannot qualify for employment because of a total and permanent service-connected disability, or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power. A veteran of any war who has served on active duty for one day or more during a wartime period, excluding active duty for training, and who was discharged under honorable conditions from the Armed Forces of the United States of America. The unremarried widow or widower of a veteran who died of a service-connected disability. Receipt of any Armed Forces Expeditionary Medal (AFEM) or Global War on Terrorism Expeditionary Medal (GWTEM) is qualifying for veterans' preference. 3. Please complete the following information:

Attach DD Form 214, Certificate of Discharge or Separation from Active Duty, or other official documents (to include military discharge papers, or equivalent certification from the DVA listing military status, dates of service, and discharge type) issued by the branch of service are required as verification of eligibility for veterans' preference.

(Applicant's claiming a preference based on their spouse's service should provide information as it pertains to their

Discharge Date:

	☐ Yes ☐ No					
	If yes, give name of employer:					
	Address:					
	I understand that, if I have previously obtained fulltime employment by any state agency subdivision of the state, inclusive of villages, cities, towns, counties, boards, district, etc. Veterans' Preference.					
5.	Are you a resident of the State of Florida? ☐ Yes	□ No				
	Provide proof of Florida residency along with this application, such as a Florida voter ID card, or Intent to Domicile from the Clerk of the Court.	card, drivers' licen	se or ID, Librar			
6.	Applicant's Certification & Acknowledgement:					
	I hereby certify that the information provided on the Application For Veterans' Employment Preference form is true and correct to the best of my knowledge. I understand that falsification of this information is a criminal violation and may subject me to prosecution and possible incarceration and/or fine and will result in my dismissal, if employed.					
	I acknowledge that I received, read and understand the appropriate procedures to follow into any non-compliance with the Veterans' Preference laws as provided to me in the two Information (To be retained by applicant).					
8.	Applicant's Signature:		Date			
9.	Employee Services' Use Only: (Do not write in section below.)					
	A. Did the Applicant claim Veterans' Preference? (See item 6 of the applicant's Employment Application.)	☐ Yes	□No			
	B. Did the Applicant furnish the required documentation? (See Section 3 of this document and relevant attachments.)	☐ Yes	□ No			
	C. Has the Applicant been employed by any state agency or any agency of a political subdivision of the State after military service? (See Work History section of Employment Application and Section 4 of this docur	☐ Yes	□ No			
	D. Is the Applicant a resident of the State of Florida?	☐ Yes	□ No			
	E. Did the Applicant serve one (1) day or more during an eligible wartime period? (See Section 2 & 3 of this document.)	☐ Yes	□No			
	F. Was the Applicant given a copy of the General Information Re: Application for Veterans' Employment Preference which contains Section D - Right to an Investi	☐ Yes gation?	□ No*			
	*If No, please explain:					
	 G. Does the Applicant qualify for Veterans' Preference? *If No, please indicate below: (1) ☐ Did not claim Veterans' Preference? (2) ☐ Did not provide required documentation. (3) ☐ Previously employed by a state agency etc. after military service. (4) ☐ Not a resident of the State of Florida. (5) ☐ Did not serve at least one (1) day in a wartime era. 	☐ Yes	□ No*			
	(6) ☐ Other:☐ Position is exempt from the provisions of Veterans' Preference.					
	- 1 contains exempt from the provisions of votorane 1 reference:					

Veterans' Employment Preference

Sample Letter of Non-Selection

(Applicant was Interviewed but not selected for the position.)

Instructions:

- Paragraphs 1 and 2 are suggested wording, however paragraph 3 must be included.
- If the applicant was 'veterans' preference eligible' paragraph 4 must be included as well.
- Print letter on County or departmental letterhead.
- A copy of the notification letter must be submitted to the Office of Employee Services no later than five (5) calendar days after the selected candidate signs the conditional offer of employment.

omployment.	
(Date)	
(Applicant's Name) (Address)	
Dear (applicant's name):	
Thank you for applying for the position of (position title) of County Commissioners.	for the (department) with the Lake County Board
The response to the recruitment advertisement was ext applying. Your credentials and accomplishments are co however, another candidate whose background and exp was selected for the position.	mmendable and were carefully considered;
Lake County government again thanks you for your inte considered for future vacancies, please submit an appli that is vacant and posted for open competitive selection	cation/resume for any position you feel qualified
Should the vacant position for which you applied and for filled by a non-preference applicant and/or you feel that Employment Preference law has not been provided to y by filing a complaint with the Florida Department of Veta 311-K, 11351 Ulmerton Road, Largo, FL 33778-1630, who notice that you were not selected for the position.	proper consideration of the Veterans' rou, you have the right to initiate an investigation erans' Affairs (FDVA), Mary Grizzle Building, Suite
Sincerely,	
(Name) (Title)	
cc: Employee Services	